

December 3, 2009

MEMORANDUM FOR: MICHAEL A. DAVIS
Deputy Assistant Secretary for Operations
Mine Safety and Health Administration

FROM: PETER J. MONTALI
Acting Director of Accountability
Mine Safety and Health Administration

SUBJECT: MSHA Office of Accountability Audit, MSHA
Metal/Nonmetal Rocky Mountain District, Green River,
Wyoming, Field Office, and Selected Mines.

Introduction:

This memorandum summarizes the Office of Accountability audit of the subject field office and mines. The following five mines were visited during this audit:

Mine ID	Company	Mine	Type	Product
[REDACTED]				

e

Audit subjects included but were not limited to MSHA field activities, level of enforcement, evaluation of gravity and negligence, Field Activity Reviews, Accompanied Activities, MSHA supervisory and managerial oversight, and conditions and practices at the mines. The audit was conducted during the week of [REDACTED] - [REDACTED], by Arlie A. Webb, Billy Randolph, and Peter J. Montali - Acting Director for the Office of Accountability. Positive findings and issues requiring attention are included in this audit report.

Overview:

The field office review was conducted on [REDACTED]
audit were conducted on [REDACTED]
Specialists were [REDACTED]
[REDACTED]

The on-site portions of the
Accompanying the Accountability

On-site visits to three underground mines were conducted during 103(i) spot inspections. Areas examined at these underground mines included a longwall section, two continuous miner sections, flexible conveyor train (FTC) system, mainline and secondary belt conveyor haulage, rubber-tired haulage, mantrips, and haulage entries, escapeways, intakes, returns, stoppings, communication systems, and tracking systems. Several pieces of equipment were examined for permissibility, fire suppression, and safe operating condition.

Areas of the surface mines examined during this audit included mine office, record books, required postings, pits, front end loaders, excavators, haul roads, company pick-up trucks, berms, fuel storage, and the shop/supply area. Inspection activities also covered the plants, sizing screens, crushers, and surface conveyor belts.

S&S Rate Comparison:

The S&S rates for the Green River, Wyoming, field office were lower than the Rocky Mountain District average and considerably lower than the national average for both FY 2008 and to date in FY 2009.

S&S Rate Comparison			
Fiscal Year	Green River, WY Field Office	Rocky Mountain District	National Average
2008	10.1%	17.6%	21.0%
2009	17.9%	21.2%	24.0%

Time and Activity Comparison:

Time distribution for E01 inspections conducted out of this field office during FY 2009 indicates a need to reduce "other" time. However, on-site time for the underground mines is good.

Surface Facilities - E01 Inspections						
	Travel	Other	On-Site	Citations Written On-Site	Citations Written Off-Site	Total Percent
% of Total	28.9%	17.8%	49.9%	3.8%	3.4%	100.0%

Surface Mines - E01 Inspections						
	Travel	Other	On-Site	Citations Written On-Site	Citations Written Off-Site	Total Percent
% of Total	36.1%	17.6%	42.8%	3.0%	3.5%	100.0%

Underground Mines - E01 Inspections						
	Travel	Other	On-Site	Citations Written On-Site	Citations Written Off-Site	Total Percent
% of Total	14.2%	19.9%	60.9%	3.17%	5.0%	100.0%

Audit Results:

The audit revealed positive findings in several areas, including the following:

1. The three underground trona mines were very well maintained. Safe work practices were readily evident in all areas examined.
2. Inspectors at underground mines were thorough and communicated with the operator and miners in a courteous and professional manner.
3. The violation observed at the underground mine during this audit was properly cited.
4. The ADM reviews all AA and Fars completed by the field office supervisors.

The audit also revealed several issues that require corrective actions, including the following:

1. Although the 103(i) spot inspections conducted during the audit were thorough, past 103(i) inspections were not. Insufficient time was spent on these important inspections, and multiple E02 inspections were often made in a single day. (District/FO)
2. Interviews with [REDACTED] indicate a general lack of refresher training for journeyman inspectors. (District)

3. Conditions observed and citations issued during this audit indicate that previous inspections were neither complete or thorough at the mines audited. (FO/District) *See Attachments B , C , D & E*
4. Evaluations of S&S, gravity, negligence during inspections did not appear commensurate with the type of violations cited. (FO)(District) *[See attachment D)]*
5. Interviews with [REDACTED] indicate a lack of training and/or mentoring for supervisory personnel. (District/HQ)
 - a. [REDACTED] has not received any retraining since assuming [REDACTED] position.
 - b. [REDACTED] [REDACTED] criteria for negligence
 - i. [REDACTED]
 - c. [REDACTED]
6. [REDACTED] [REDACTED]
[REDACTED] the hazard. (Attachment B – Citation [REDACTED])
7. Form 7000-3 Condition or practice includes statements not in accordance to policy or citation and order writing handbook. (See Attachments B, & D ,citation #'s [REDACTED])
8. Form 7000-3 does not include a detailed description of the condition or practice(s) which causes and constitutes a violation or imminent danger. (Citation [REDACTED] *Citation and Order Writing Handbook for Coal Mines and Metal and Nonmetal Mines pp 9]*
9. Mining operations need to be evaluated and redistribution of mines to Field Offices in closer proximity to reduce travel time. *[example [REDACTED] Quarry approximately 7.5 hrs from Green River FO and only 4 hrs from Rapid City FO.]*
10. Quarries with Plants attached have separate Mine Identification numbers. A review of these operations should be conducted and determine if One ID is sufficient for both the quarry and the plant.

Attachments:

- A. Office of Accountability Checklist
- B. Citations issued during this audit
- C. Regular Inspection Information – Closeout Conference
- D. Citations with questionable evaluations for gravity and negligence
- E. Pictures of selected violations

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1. Evaluate supervisory review of inspection reports and documentation for completeness.

Adequate ☐ Inadequate ☒ Not Applicable ☐ Comments Below

Review of the inspection reports inadequate & evaluation of citations - Example (event # at conducted - 0 citations issued - continuity & resistance marked as N/A - next inspection marked as checked. [Attachments D]

2. Determine if supervisors address report deficiencies immediately

Adequate ☐ Inadequate ☒ Not Applicable ☐ Comments Below

[See Attachment D]

3. Determine if supervisors are visiting each assigned mine at least annually

Adequate ☒ Inadequate ☐ Not Applicable ☐ Comments Below

Supervisor states that he travels approximately 14 times a year with inspectors in the field office. This is the minimum number of required visits for FAR's required by Policy.

4. Evaluate the quality of Field Activity Review reports (FARs)

Adequate ☐ Inadequate ☒ Not Applicable ☐ Comments Below

Fars lack documentation of the inspectors' successes and/or shortcomings. Supervisor has not had sufficient training in conducting Field Activity Reviews.

Action Required - Ensure that all supervisory and management personnel have adequate training in the proper manner to conduct a field activity review as well as how to properly complete the FAR reports.

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5.	Determine if supervisors/managers are identifying and addressing performance or behavior based issues during and after accompanied inspections are conducted					
Adequate	<input type="checkbox"/>	Inadequate	<input checked="" type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below
A concern exists that the supervisor's had not reviewed individual performance factors for enforcement levels prior to the accompanied activity. This would be evidenced by the enforcement levels of the field office as compared to the national averages.						

6.	Evaluate the quality of Accompanied Inspections					
Adequate	<input type="checkbox"/>	Inadequate	<input checked="" type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below
See item #4						

7.	Determine if supervisors are thoroughly reviewing mine files at least annually					
Adequate	<input type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input checked="" type="checkbox"/>	Comments Below

8.	Determine if Assistant District Manager is holding supervisor accountable for general mine visits, FARs, and accompanied activities					
Adequate	<input type="checkbox"/>	Inadequate	<input checked="" type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below
<input type="text" value=""/> reviews all AA's and FAR's completed by supervisors, The AA's and FAR's are tracked at the district on a spreadsheet for all supervisors but the quality of the FAR's is questionable.						

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9. Determine if District Manager is using Performance Management System to hold ADMs accountable for oversight of subordinates

Adequate ☐ Inadequate ☒ Not Applicable ☐ Comments Below

The district tracks the AA's and FAR's and the DM is proactive in the completion of all required supervisory activities. The supervisor appears not to be addressing poor performance within his field office. No action has been undertaken to enhance the under performance of the inspectors and no action from the District office.

11. Determine if ADMs and DMs are visiting mines with poor compliance at least monthly

Adequate ☒ Inadequate ☐ Not Applicable ☐ Comments Below

Records indicate that district management is conducting some mine visits at operations with compliance issues. The Green River FO has 164 mining operations

13. Evaluate the location, workload, and availability of specialists (roof control, ventilation, electrical, etc.) within the district

Adequate ☐ Inadequate ☐ Not Applicable ☒ Comments Below

MNM program area does not have specialists in the districts.

14. Evaluate supervisory and management review of 103(i) (spot inspection) tracking system for compliance with time frames

Adequate ☐ Inadequate ☒ Not Applicable ☐ Comments Below

103(i) spot inspections are not thorough and are not being conducted within the time frames specified by the Mine Act. A review of E02 spot inspections conducted from January 01 through August 10, 2009, revealed numerous instances where the amount of time between spot inspections exceeded the time limits specified by the Mine Act. On at least 18 occasions, more than 8 days elapsed between inspections required to be conducted every 5 working days. On at least 7 occasions, more than 13 days elapsed between inspections required to be conducted every 10 working days.

In addition, there were 16 separate occasions when 103(i) spot inspections were made at more than one mine on the same day, by a single inspector. An on-site evaluation of the

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mine location, extent of mining, and underground transportation, indicate that effective 103(i) inspections can not be made at more than one mine per day.

Recommendation – Inspections conducted under 103(i) of the Mine Act must be thorough and comprehensive to provide the proper level of protection to the miners, regardless of the type of material being mined. Methane liberation and the potential for ignitions and explosions must be properly addressed. The Administrator for Metal/Nonmetal should issue instructions requiring that 103(i) spot inspections be conducted per the time frames set forth in the Mine Act, are thorough, and that a full day be dedicated to each such inspection.

Reference – CMS&H Memo No. HQ-07-083-A (SEC-103) gives an excellent example for conducting 103(i) spot inspections.

15. Determine if supervisors and managers are ensuring that 103(i) inspections are not combined with any other type of inspection

Adequate ☐ Inadequate ☒ Not Applicable ☐ Comments Below

See Item 14 above.

16. Determine if supervisors, staff assistants, and other management personnel are reviewing work products for accuracy and completeness

Adequate ☒ Inadequate ☐ Not Applicable ☐ Comments Below

17. Determine if supervisors are monitoring inspector time and activity documentation to ensure proper use of time by inspector

Adequate ☒ Inadequate ☐ Not Applicable ☐ Comments Below

18. Determine if Standard Operating Procedures (SOPs) are in place, current, and in compliance with MSHA policies and procedures

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Adequate ☒ Inadequate ☐ Not Applicable ☐ Comments Below

19. Determine if supervisors are using the Performance Management System to hold inspectors accountable for properly evaluating gravity and negligence, termination due dates, and timely termination of citations

Adequate ☐ Inadequate ☒ Not Applicable ☐ Comments Below

See Attachment C

20. Determine if supervisors are adequately evaluating the level of enforcement by visiting each producing mine

Adequate ☐ Inadequate ☒ Not Applicable ☐ Comments Below

The ^{(b) (6)} reviews every citation issued in the district. The started this process in June of 09 to determine if enforcement tools are being properly utilized and evaluated. Enforcement levels at the Green River FO are below the District averages and well below the National levels. (See pp. 2)

21. Determine if District Manager is monitoring the ACRI program and using the Performance Management System to ensure that CLRs justify changes

Adequate ☐ Inadequate ☒ Not Applicable ☐ Comments Below

The district's ACRI program appears to be functioning properly. However, interviews with issues within the MSHA/SOL Alternative Case Resolution procedures that cannot be resolved at the district level. Some (but not all) of those issues are as follows:

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Most conferences are being deferred and only a limited number are being conducted pre-penalty.

Recommendation – The ACRI Handbook should be completed and approved as soon as possible. All procedures related to the ACRI program should ensure due process to all parties.

22. Determine if District Manager is using discretion in granting conferences

Adequate ☒ Inadequate ☐ Not Applicable ☐ Comments Below

23. Determine if second level reviews and Peer Reviews are used to assess supervisory review of enforcement actions

Adequate ☒ Inadequate ☐ Not Applicable ☐ Comments Below

The completed 16 2nd level reviews on AA's and 43 2nd level reviews on FAR's. (both well above the required minimum, made review comments and sent requests back to FO supervisors to review or have more documentation provided to support deficiencies he identified. He also provided positive feed back as well.

24. Determine if appropriate actions are taken by supervisors and manager with respect to issues of misconduct and/or poor performance

Adequate ☐ Inadequate ☒ Not Applicable ☐ Comments Below

he has never had to discipline any employee for misconduct or poor performance. The field office is well below the national average for S&S % [10% below nat'l avg. in 2008, & 7% below nat'l avg. in 2009] No action taken by or District management.

25. Evaluate inspector/specialist knowledge of documentation required and process for completing PKW Forms.

Adequate ☐ Inadequate ☐ Not Applicable ☒ Comments Below

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Supervisor could not define negligence or gravity according to policy and no PKW's submitted.

26. Evaluate the district's process for performing Possible Knowing/Willful (PKW) reviews and initiating or denying special investigations

Adequate ☐ Inadequate ☐ Not Applicable ☐ Comments Below

NO PKW's REVIEWED - None in field office submitted.

28. Determine if managers and supervisors are using required "standardized reports" to review critical data relevant to inspections and investigations

Adequate ☐ Inadequate ☒ Not Applicable ☐ Comments Below

was not utilizing the Key Indicators and other resources provided by headquarters or district. indicated he was not aware of information contained in the Key Indicator reports or where his field office compared with the national averages)

29. Determine if complete and thorough inspections are being conducted and adequately documented

Adequate ☐ Inadequate ☒ Not Applicable ☐ Comments Below

A review of past inspections at the underground mines indicated that all areas are being covered during E01 inspections. Mine visits during the accountability audits at the and

indicate that complete and thorough inspections are not being conducted. manager state

31. Determine that the inspector spent sufficient time on off-shifts and on weekends

Adequate ☒ Inadequate ☐ Not Applicable ☐ Comments Below

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34. Determine if all mine record books, postings, and other required materials are examined during the inspection

Adequate ☒ Inadequate ☐ Not Applicable ☐ Comments Below

36. Determine if the amount of time expended on each inspection activity and area of the mine is sufficient to accomplish inspection goals

Adequate ☒ Inadequate ☐ Not Applicable ☐ Comments Below*See Item # 14 pp 8*

37. Evaluate each citation/order/for inspector's determination of gravity, negligence, number of persons affected, and the level of enforcement

Adequate ☐ Inadequate ☒ Not Applicable ☐ Comments BelowA review of previous inspections indicate the determination of gravity, negligence, and number of persons inconsistent with the facts of the hazard. *[See attachment D]*

38. Accompany and evaluate inspector's imminent danger run

Adequate ☐ Inadequate ☐ Not Applicable ☒ Comments Below

39. Check adequacy of preshift/onshift examinations

Adequate ☐ Inadequate ☐ Not Applicable ☒ Comments Below

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40. Evaluate inspector's observation of roof conditions. Is a copy of the currently approved roof control plan maintained on the section?

Adequate ☐ Inadequate ☐ Not Applicable ☒ Comments Below

41. Evaluate operator's workplace examinations

Adequate ☐ Inadequate ☒ Not Applicable ☐ Comments Below

The number of citations and conditions observed and period of time the hazards have been permitted to exist indicate inadequate workplace exams being conducted [See Attachment B]

42. Evaluate conditions on working section and observe work cycle

Adequate ☒ Inadequate ☐ Not Applicable ☐ Comments Below

43. Observe air quantity, quality, and gas checks by inspector

Adequate ☒ Inadequate ☐ Not Applicable ☐ Comments Below

44. Determine adequacy of Emergency Response Plan training (interview miners)

Adequate ☒ Inadequate ☐ Not Applicable ☐ Comments Below

Stench warning system was being tested/upgraded at one mine during this audit. The miners and the inspector were well-versed in the operation and provisions of the emergency plan.

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48. Examine electrical cables on several pieces of equipment

Adequate ☒ Inadequate ☐ Not Applicable ☐ Comments Below

49. Evaluate several pieces of equipment for permissibility

Adequate ☒ Inadequate ☐ Not Applicable ☐ Comments Below

Permissibility was excellent at all 3 underground mines visited during this audit.

51. Examine escapeway map for compliance with regulations

Adequate ☒ Inadequate ☐ Not Applicable ☐ Comments Below

52. Evaluate integrity of primary and alternate escapeways

Adequate ☒ Inadequate ☐ Not Applicable ☐ Comments Below

53. Evaluate integrity of return side stopping line

Adequate ☒ Inadequate ☐ Not Applicable ☐ Comments Below

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54. Travel and evaluate condition and maintenance of section conveyor belt, structures, and entries

Adequate ☒ Inadequate ☐ Not Applicable ☐ Comments Below

56. Evaluate fire valves and hoses (condition, compatibility of fittings, pressure test)

Adequate ☒ Inadequate ☐ Not Applicable ☐ Comments Below

57. Observe and evaluate fire detection methods

Adequate ☒ Inadequate ☐ Not Applicable ☐ Comments Below

59. Evaluate condition of conveyor belt drives, and fire suppression systems

Adequate ☒ Inadequate ☐ Not Applicable ☐ Comments Below

60. Determine if all required record are adequately completed and in compliance with applicable standards

Adequate ☒ Inadequate ☐ Not Applicable ☐ Comments Below

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61. Examine mine map for accuracy of workings and escapeway locations

Adequate ☒ Inadequate ☐ Not Applicable ☐ Comments Below

62. Examine mine bulletin board and evaluate adequacy of all required postings

Adequate ☒ Inadequate ☐ Not Applicable ☐ Comments Below

63. Interview responsible person(s) and evaluate knowledge of emergency response, evacuation procedures, and fire fighting processes

Adequate ☒ Inadequate ☐ Not Applicable ☐ Comments Below

74. Evaluate approved ventilation plan after in-mine visit

Adequate ☐ Inadequate ☐ Not Applicable ☒ Comments Below

75. Evaluate approved training plan after discussion with miners

Adequate ☒ Inadequate ☐ Not Applicable ☐ Comments Below

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76. Evaluate other plans as applicable to each particular audit.

Adequate ☒ Inadequate ☐ Not Applicable ☐ Comments Below

77. Evaluate the two most current completed E01 (regular) inspection reports (two quarters)

Adequate ☐ Inadequate ☒ Not Applicable ☐ Comments Below

Evaluation of Gravity and Negligence appear not to be consistent with policy. Conditions appear to be permitted for extended periods of time. [See Attachment B, Attachment D]

78. Ten most current completed E02 (103(i) spot) inspection reports

Adequate ☒ Inadequate ☐ Not Applicable ☐ Comments Below

79. Citations and orders issued during previous two quarters

Adequate ☐ Inadequate ☒ Not Applicable ☐ Comments Below

See Attachment D - evaluations of citations

80. Determine if 104(d) tracking system is in place at the office being audited, and is being kept up to date

Adequate ☐ Inadequate ☐ Not Applicable ☒ Comments Below

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116. Review documentation of staff meetings/safety meetings to determine their effectiveness and relevance to the Agency's mission and current issues

Adequate ☒ Inadequate ☐ Not Applicable ☐ Comments Below

117. Are MSHA Forms 7000-1 accurately reviewed for proper information and potential violations, unsafe practices, or conditions?

Adequate ☐ Inadequate ☐ Not Applicable ☒ Comments Below

118. Determine if inspectors have sufficient equipment and supplies to conduct thorough inspections.

Adequate ☒ Inadequate ☐ Not Applicable ☐ Comments Below

119. Determine if adequate close-out conferences are being conducted at the end of each inspection.

Adequate ☒ Inadequate ☐ Not Applicable ☐ Comments Below

120. Determine if E01 inspections at surface mines includes an observation/evaluation of blast hole drilling, loading, and blasting operations.

Adequate ☐ Inadequate ☐ Not Applicable ☒ Comments Below

No Blasting conducted at operations where audit teams traveled.

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121. Determine if manpower at the field office is sufficient to ensure adequate, complete inspections, investigations, and other activities.

Adequate ☒ Inadequate ☐ Not Applicable ☐ Comments Below

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District Rocky Mountain Field Office Green River, WY Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order		U.S. Department of Labor Mine Safety and Health Administration		
Section I--Violation Data				
1. Date	Mo Da Yr	2. Time (24 Hr. Clock)	3. Citation/Order Number (U)	
[REDACTED]		[REDACTED]	[REDACTED]	
			(Contractor)	
8. Condition or Practice			8a. Written Notice (103g)	
<p>The door was open on an electrical box located at the #2 shaft high bay area. The components inside the box were energized with 480 Volts. This condition exposes the miners to the hazards of electric shock/burns. The door was open approximately three inches, which would make it difficult for someone to make contact with the energized components, making it unlikely that an accident would occur.</p>				
See Continuation Form (MSHA Form 7000-3a) <input type="checkbox"/>				
9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR	
			57.12032	
Section II--Inspector's Evaluation				
10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input checked="" type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>				
C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				D. Number of Persons Affected: 001
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action 104a		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action		E. Citation/Order Number		F. Dated Mo Da Yr
A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>				
15. Area or Equipment				
16. Termination Due				
A. Date Mo Da Yr		B. Time (24 Hr. Clock)		
[REDACTED]		[REDACTED]		
Section III--Termination Action				
17. Action to Terminate The door on the electrical box located at the high bay area, was closed and properly secured, bringing this violation into compliance.				
18. Terminated				
A. Date Mo Da Yr		B. Time (24 Hr. Clock)		
[REDACTED]		[REDACTED]		
Section IV--Automated System Data				
19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill		
E02	[REDACTED]	P		
22. Signature	23. AR Number			
[REDACTED]	[REDACTED]			

MSHA Form 7000-6
Provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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Mine Citation/Order

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Section I--Violation Data

1. Date		3. Citation/ Order Number	
5. Operator			
			(Contractor)

8. Condition or Practice

8a. Written Notice (103g) ☐

The operator must replace a container label immediately if it is missing. There is no label on the 500 gal tank located outside the scale house indicating what it is.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR	47.41a1
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Section II--Inspector's Evaluation

10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input checked="" type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input checked="" type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>				
C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			D. Number of Persons Affected: 001	
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action 104a		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action		E. Citation/ Order Number		F. Dated Mo Da Yr
A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>				
15. Area or Equipment				

16. Termination Due	A. Date	B. Time (24 Hr. Clock)

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)


Section IV--Automated System Data

19. Type of Inspection (activity code)	E01	20. Event Number		21. Primary or Mill P	
22. Signature		23. AR Number			

MSHA Form 7000-3, Apr08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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Mine Safety and Health Administration
Office of Accountability

District Rocky Mountain Field Office Green River, WY Mine ID() Date()

Mine Citation/Order		U.S. Department of Labor Mine Safety and Health Administration		
Section I--Violation Data				
1. Date <u> </u> Mo <u> </u> Da <u> </u> Yr <u> </u>		2. Time (24 Hr. Clock) <u> </u>		3. Citation/Order Number <u> </u>
8. Condition or Practice <u> </u> (Contractor) <u> </u>				
8a. Written Notice (103g) <u> </u>				
The operator must replace a container label immediately if it is missing. There is no label on the 500 gal tank located outside the scale house indicating what it is.				
See Continuation Form (MSHA Form 7000-3a) <input type="checkbox"/>				
9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act <u> </u>	C. Part/Section of Title 30 CFR <u>47.41a1</u>	
Section II--Inspector's Evaluation				
10. Injury:				
A. Injury or illness (has) (is): No Likelihood <input checked="" type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input checked="" type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>				
C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> D. Number of Persons Affected: <u>001</u>				
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action <u>104a</u> 13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>				
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/> E. Citation/Order Number <u> </u> F. Dated <u> </u> Mo <u> </u> Da <u> </u> Yr <u> </u>				
15. Area or Equipment <u> </u>				
16. Termination Due A. Date <u> </u> Mo <u> </u> Da <u> </u> Yr <u> </u> B. Time (24 Hr. Clock) <u> </u>				
Section III--Termination Action				
17. Action to Terminate <u> </u>				
18. Terminated A. Date <u> </u> Mo <u> </u> Da <u> </u> Yr <u> </u> B. Time (24 Hr. Clock) <u> </u>				
Section IV--Automated System Data				
19. Type of Inspection (activity code) <u>E01</u>		20. Event Number <u> </u>		21. Primary or Mill <u>P</u>
22. Signature <u> </u>		23. AR Number <u> </u>		
<small>MSHA Form 7000-3, April (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.</small>				

United States Department of Labor
Mine Safety and Health Administration
Office of Accountability

District Rocky Mountain Field Office Green River, WY Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

U.S. Department of Labor
Mine Safety and Health Administration



Section I—Violation Data

1. Date <u>[REDACTED]</u>	3. Citation/Order Number <u>[REDACTED]</u>
2. Location <u>[REDACTED]</u>	

8. Condition or Practice

6a. Written Notice (103g) ☐ (Contractor)

Readily visible signs prohibiting smoking and open flames shall be posted where a fire or explosion hazard exists. There are no signs prohibiting smoking and open flames in the area of the 500 Gal. propane tank located next to the scale house. There is no indication that anyone has been smoking around this tank. Should a fire occur at this tank it could result in an explosion.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR
			57.4101

Section II—Inspector's Evaluation

10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input checked="" type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>				
C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				D. Number of Persons Affected: 001
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action 104a		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>				E. Citation/Order Number
F. Dated Mo Da Yr				
15. Area or Equipment				

16. Termination Due	A. Date <u>[REDACTED]</u>	B. Time (24 Hr. Clock) <u>[REDACTED]</u>
---------------------	---------------------------	--

Section III—Termination Action

17. Action to Terminate A sign has been posted prohibiting smoking in this area bringing this violation into compliance.

18. Terminated	A. Date <u>[REDACTED]</u>	B. Time (24 Hr. Clock) <u>[REDACTED]</u>
----------------	---------------------------	--

Section IV—Automated System

19. Type of Inspection (activity code) <u>E01</u>	20. Event Number <u>[REDACTED]</u>	21. Primary or Mill <u>P</u>
22. Signature <u>[REDACTED]</u>	23. AR Number <u>[REDACTED]</u>	

MSHA Form 7000-3, Apr 06 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District Rocky Mountain Field Office Green River, WY Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order		U.S. Department of Labor Mine Safety and Health Administration	
Section I--Violation Data			
1. Date	Mo Da Yr	2. Time (24 Hr Clock)	3. Citation/Order Number
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
			7. (Contractor)
8. Condition or Practice			8a. Written Notice (103g) <input type="checkbox"/>
<p>Valves on compressed gas cylinders shall be protected by covers when stored. The compressed gas cylinders being stored in the shop area do not have the valves protected by covers. They are secured in a cart and there is nothing over head making it unlikely the valves will be damaged. Should a valve become damaged it could result in serious injuries.</p>			
See Continuation Form (MSHA Form 7000-3a) <input type="checkbox"/>			
9. Violation	A. Health Safety Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR
			57.16006
Section II--Inspector's Evaluation			
10. Gravity:			
A. Injury or Illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input checked="" type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>			
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input checked="" type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>			
C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			D. Number of Persons Affected: 001
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>			
12. Type of Action 104a		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>	
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/Order Number	F. Dated Mo Da Yr
15. Area or Equipment			
16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock)			
[REDACTED]			
Section III--Termination Action			
17. Action to Terminate The valves were protected with covers bringing this violation into compliance.			
18. Terminated A. [REDACTED] B. Time (24 Hr. Clock) [REDACTED]			
Section IV--Automated System Data			
19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	[REDACTED]	P	
22. Signature	23. AR Number		
[REDACTED]	[REDACTED]		

MSHA Form 7000-3a In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District Rocky Mountain Field Office Green River, WY Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

U.S. Department of Labor
 Mine Safety and Health Administration



Section I—Violation Data

1. Date [REDACTED] 2. Time (24 Hr. Clock) [REDACTED] 3. Citation/Order Number [REDACTED]

(Contractor)

8a. Written Notice (103g) ☐

Moving machine parts shall be guarded to protect persons from contacting parts that can cause injury. The head roller on the dirt belt needs additional guarding. The major pinch points are guarded where the belt goes over the roller but the bottom of this 9in. Roller is exposed and 6 foot above the ground. This is a smooth roller and there are no groundsmen at this mine.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation A. Health ☐ Safety ☐ Other ☐ B. Section of Act C. Part/Section of Title 30 CFR 56.14107a

Section II—Inspector's Evaluation

10. Gravity:
 A. Injury or illness (has) (is): No Likelihood ☐ Unlikely ☒ Reasonably Likely ☐ Highly Likely ☐ Occurred ☐
 B. Injury or illness could reasonably be expected to be: No Lost Workdays ☐ Lost Workdays Or Restricted Duty ☐ Permanently Disabling ☒ Fatal ☐
 C. Significant and Substantial: Yes ☐ No ☒ D. Number of Persons Affected: 001

11. Negligence (check one) A. None ☐ B. Low ☐ C. Moderate ☒ D. High ☐ E. Reckless Disregard ☐

12. Type of Action 104a 13. Type of Issuance (check one) Citation ☒ Order ☐ Safeguard ☐ Written Notice ☐

14. Initial Action A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐ E. Citation/Order Number F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due A. Date [REDACTED] B. Time (24 Hr. Clock) [REDACTED]

Section III—Termination Action

17. Action to Terminate

18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock)

Section IV—Automated System Data


19. Type of Inspection (activity code) E01 20. Event Number [REDACTED] 21. Primary or Mill P

22. Signature [REDACTED] 23. AR Number [REDACTED]

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20418. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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United States Department of Labor
Mine Safety and Health Administration
Office of AccountabilityDistrict Rocky Mountain Field Office Green River, WY Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order		U.S. Department of Labor Mine Safety and Health Administration			
Section I--Violation Data					
1. Date <u>[REDACTED]</u>		2. Time (24 Hr. Clock) <u>[REDACTED]</u>		3. Citation/Order Number <u>[REDACTED]</u>	
(Contractor) <u>[REDACTED]</u>					
8. Condition or Practice <u>[REDACTED]</u> 8a. Written Notice (103g) <input type="checkbox"/>					
Berms shall be provided on roadways where a drop-off exists that could cause a vehicle to overturn. On the main roadway going into the pit there is a section of roadway approx. 150 yards long where a drop-off exists that could cause a vehicle to overturn. This roadway is used by customers and haul trucks to access the mine. Should a truck go off the road at this location it could result in a fatality.					
See Continuation Form (MSHA Form 7000-3a) <input type="checkbox"/>					
9. Violation		A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR <u>56.9300a</u>	
Section II--Inspector's Evaluation					
10. Gravity:					
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input checked="" type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>					
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>					
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> D. Number of Persons Affected: <u>001</u>					
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>					
12. Type of Action <u>104a</u>		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>			
14. Initial Action		E. Citation/Order Number		F. Dated Mo Da Yr	
A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>					
15. Area or Equipment					
16. Termination Due					
A. Date <u>[REDACTED]</u>		B. Time (24 Hr. Clock) <u>[REDACTED]</u>			
Section III--Termination Action					
17. Action to Terminate					
18. Terminated					
A. Date Mo Da Yr		B. Time (24 Hr. Clock)			
Section IV--Automated System Data					
19. Type of Inspection (activity code) <u>E01</u>		20. Event Number <u>[REDACTED]</u>		21. Primary or Mill <u>P</u>	
22. Signature <u>[REDACTED]</u>				23. AR Number <u>[REDACTED]</u>	

MSHA Form 7000-3a (Rev. 1-98) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 408 3rd Street, SW MC 2120, Washington, DC 20418. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

28.

United States Department of Labor
Mine Safety and Health Administration
Office of AccountabilityDistrict Field Office Mine ID Date

Initial Issuance Information (Source is IPAL)			
Violation Data			
Issue Date	Issue Time	Occurrence Date	Number
Mine Name		Violator Name	
Contractor ID			
Description of Practice			
THE MAIN MINE HAUL ROAD FROM THE HIWAY TO THE ACTIVE MINING AREAS ARE NOT COMPLETELY BERMED TO PREVENT TRUCKS OR EQUIPMENT FROM GOING OVER DROP OFFS. THE ROAD IS USED ON A REGULAR BASIS BY HAUL TRUCKS AND MINING EQUIPMENT.			
Enforcement Area	Section Of Act	30 CFR Part/Section	
		56.9300 (a)	
Written Notice 103G (Coal Only)			
Inspector's Evaluation			
Gravity			
Injury or illness (has) (Is)			
Reasonably			
Injury or illness could reasonably be expected to be			
LostDays			
Significant And Substantial Y			
No Of Persons Affected 1			
Negligence			
ModNegligence			
Type Of Action 104(a) Type Of Issuance Citation			
Initial Action			
Initial Action Type Initial Action Date			
Initial Action Number Related Order			
Area Or Equipment			
Termination Due Date			
Termination Due Time			
Termination Action			
Action To Terminate			
Termination Date			
Termination Time			
Automated System Data			
Type Of Inspection (Activity Code) E01			
Event Number			
Primary Or Mill			
AR Number			

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

Initial Issuance Information (Source is IPAL)			
Violation Data			
Issue Date	Issue Time	Occurrence Date	Violation Number
Served To	Violator Name		
Mine Name	Mine ID	Contractor ID	
Condition Or Practice			
IN THE MAINTENANCE TRAILER 5 FIRE EXTINGUISHERS HAD NOT HAD THE REQUIRED ANNUAL INSPECTIONS. THEY WERE DONE IN 2/2008 AND SHOULD HAVE BEEN DONE IN 02/2009 TO BE IN COMPLIANCE.			
Enforcement Area	Section Of Act	30 CFR Part/Section	
Written Notice 103G (Coal Only)		56.4201 (a) (2)	
Inspector's Evaluation			
Gravity			
Injury or illness (has) (Is)			
Unlikely			
Injury or illness could reasonably be expected to be			
NoLostDays			
Significant And Substantial N			
No Of Persons Affected 1			
Negligence			
ModNegligence			
Type Of Action 104 (a) Type Of Issuance Citation			
Initial Action			
Initial Action Type	Initial Action Date		
Initial Action Number Related Order			
Area Or Equipment			
Termination Due Date			
Termination Due Time			
Termination Action			
Action To Terminate			
Termination Date			
Termination Time			
Automated System Data			
Type Of Inspection (Activity Code) E01			
Event Number			
Primary Or Mill	Primary		
AR Number			

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District Field Office Mine ID DA

Initial Issuance Information (Source is IPAL)			
Violation Data			
Issue Date	Issue Time	Occurrence Date	Number
Served To	Violator Name		
Mine Name	Mine ID	Contractor ID	
Condition Of Practice			
IN THE MECHANICS TRAILER 2 PROPANE BOTTLES WERE STORED AN A SMALL GAS MOTOR WITH A 1/4 TANKS OF GAS WERE STORED. CIGARETTE BUTTS WERE FOUND ON THE FLOOR AS EVIDENCE OF SMOKING.			
Enforcement Area	Section Of Act	30 CFR Part/Section	
		56.4100 (b)	
Written Notice 103G (Coal Only)			
Inspector's Evaluation			
Gravity			
Injury or Illness (has) (is)			
Unlikely			
Injury or Illness could reasonably be expected to be			
Lost Days			
Significant And Substantial N			
No Of Persons Affected 1			
Negligence			
Mod Negligence			
Type Of Action 104 (a) Type Of Issuance Citation			
Initial Action			
Initial Action Type		Initial Action Date	
Initial Action Number Related Order			
Area Or Equipment			
Termination Due Date (b) (6)			
Termination Due Time			
Termination Action			
Action To Terminate			
Termination Date			
Termination Time			
Automated System Data			
Type Of Inspection (Activity Code) E01			
Event Number			
Primary Or Mill			
AR Number			

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District Rocky Mountain Field Office Green River, WY Mine ID [REDACTED] Date [REDACTED]

Initial Issuance Information (Source is IPAL)			
Violation Data			
Issue Date	Issue Time	Occurrence Date	Issuance Number
[REDACTED]			[REDACTED]
		Violator Name	
		Mine ID	Contractor ID
Condition Of Practice			
AT THE WEEDEN READY LINE ON THE CAT 777 NUMBER COMPANY # 7-10 THE SEAT TETHERS WERE MISSING, THIS IS PART OF THE SEAT AND SEAT BELTS SAFETY SYSTEM TO KEEP THE SEAT IN PLACE IN CASE OF AN ACCIDENT.			
Enforcement Area		Section Of Act	30 CFR Part/Section
			56.14131 (b)
Written Notice 103G (Coal Only)			
Inspector's Evaluation			
Gravity			
Injury or illness (has) (is)			
Unlikely			
Injury or illness could reasonably be expected to be			
LostDays			
Significant And Substantial N			
No Of Persons Affected 1			
Negligence			
ModNegligence			
Type Of Action 104 (a) Type Of Issuance Citation			
Initial Action			
Initial Action Type		Initial Action Date	
Initial Action Number		Related Order	
Area Or Equipment			
Termination Due Date		[REDACTED]	
Termination Due Time			
Termination Action			
Action To Terminate			
Termination Date			
Termination Time			
Automated System Data			
Type Of Inspection (Activity Code) E01			
Event Number		[REDACTED]	
Primary Or Mill		Primary	
AR Number		[REDACTED]	

Attachment B

United States Department of Labor
Mine Safety and Health Administration
Office of Accountability

District Field Office Mine ID Da

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District Field Office Mine ID Date

Initial Issuance Information (Source is IPAL)			
Violation Data			
Issue Date	Issue Time	Occurrence Date	Issuance Number
Served To	Violator Name		
Mine Name	Mine ID	Contractor ID	
Condition Or Practice			
AT THE WEEDEN READY LINE ON THE CAT 777 NUMBER COMPANY # 7-10 HAUL TRUCK WHEN THE AIR SYSTEM WAS DUMPED THE LOW AIR WOULD NOT SET THE EMERGENCY BRAKES AND THE LOW AIR ALARM DID NOT SOUND.			
Enforcement Area	Section Of Act	30 CFR Part/Section	
		56.14101 (a) (3)	
Written Notice 103G (Coal Only)			
Inspector's Evaluation			
Gravity			
Injury or Illness (has) (is)			
Unlikely			
Injury or Illness could reasonably be expected to be			
LostDays			
Significant And Substantial N			
No Of Persons Affected 1			
Negligence			
ModNegligence			
Type Of Action 104 (a) Type Of Issuance Citation			
Initial Action			
Initial Action Type		Initial Action Date	
Initial Action Number Related Order			
Area Or Equipment			
Termination Due Date			
Termination Due Time			
Termination Action			
Action To Terminate			
Termination Date			
Termination Time			
Automated System Data			
Type Of Inspection (Activity Code) E01			
Event Number			
Primary Or Mill		Primary	
AR Number			

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District Field Office Mine ID Date

Initial Issuance Information (Source is IPAL)			
Violation Data			
Issue Date	Issue Time	Occurrence Date	Issuance Number
<input type="text" value=""/>			<input type="text" value=""/>
Served To	Violator Name		
<input type="text" value=""/>	<input type="text" value=""/>		
<input type="text" value=""/>	Mine ID	Contractor ID	
<input type="text" value=""/>			
Section of Practice			
AT THE WEEDEN READY LINE ON A DRESSER HAULPAK TRUCK 7-21 WAS TAGGED OUT BUT DID NOT INDICATE WHAT WAS WRONG WITH THE UNIT. THE OPERATOR COULD NOT SUPPLY INFORMATION AS TO WHAT THE POTENTIAL SAFETY HAZARD MIGHT BE.			
Enforcement Area	Section Of Act		30 CFR Part/Section
			56.14100 (d)
Written Notice 103G (Coal Only)			
Inspector's Evaluation			
Gravity			
Injury or illness (has) (is)			
Unlikely			
Injury or illness could reasonably be expected to be			
NoLostDays			
Significant And Substantial N			
No Of Persons Affected 1			
Negligence			
ModNegligence			
Type Of Action 104 (a) Type Of Issuance Citation			
Initial Action			
Initial Action Type		Initial Action Date	
<input type="text" value=""/>		<input type="text" value=""/>	
Initial Action Number Related Order			
<input type="text" value=""/>			
Area Or Equipment			
<input type="text" value=""/>			
Termination Due Date		<input type="text" value=""/>	
Termination Due Time		<input type="text" value=""/>	
Termination Action			
Action To Terminate			
Termination Date			
Termination Time			
Automated System Data			
Type Of Inspection (Activity Code) E01			
Event Number		<input type="text" value=""/>	
Primary Or Mill		Primary	
AR Number		<input type="text" value=""/>	

Attachment B

United States Department of Labor
Mine Safety and Health Administration
Office of Accountability

District Field Office Mine ID () Date ()

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District Field Office Mine ID Date

Initial Issuance Information (Source is IPAL)			
Violation Data			
Issue Date	Issue Time	Occurrence Date	Issuance Number
Served To	Violator Name		
Mine Name	Mine ID	Contractor ID	
Condition Or Practice			
THE GENERATOR AND THE MAINTENANCE TRAILER ELECTRICAL SYSTEM DID NOT HAVE THE REQUIRED GROUNDING CONTINUITY CHECKS.			
Enforcement Area	Section Of Act	30 CFR Part/Section	
Written Notice 103G (Coal Only)		56.12028	
Inspector's Evaluation			
Gravity			
Injury or Illness (has) (Is)			
Unlikely			
Injury or Illness could reasonably be expected to be			
LostDays			
Significant And Substantial N			
No Of Persons Affected 1			
Negligence			
ModNegligence			
Type Of Action 104(a) Type Of Issuance Citation			
Initial Action			
Initial Action Type		Initial Action Date	
Initial Action Number Related Order			
Area Or Equipment			
Termination Due Date (b) (6)			
Termination Due Time			
Termination Action			
Action To Terminate			
THE TEST WAS COMPLETED.			
Termination Date 08/18/2009			
Termination Time 1345			
Automated System Data			
Type Of Inspection (Activity Code) E01			
Event Number			
Primary Or Mili		Primary	
AR Number			

United States Department of Labor
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District Rocky Mountain Field Office Green River, WY Mine ID (b) (6) Date (b) (6)

Initial Issuance Information (Source is IPAL)			
Violation Data			
Issue Time	Occurrence Date	Issuance Number (b) (6)	
Violator Name			
Mine ID		Contractor ID	
Condition Or Practice			
THE OPERATOR OF THE G-K FUEL AND LUBE TRUCK AT THE ELK MINE SITE DID NOT CHOCK THE WHEELS WHEN HE WAS SERVICING OTHER EQUIPMENT. THE TRUCK ROLLED WHEN CHECKED. WHEN PARKED ON A GRADE A VEHICLE MUST BE CHOCKED OR BERMED TO PREVENT ROLLING AND CAUSING INJURY.			
Enforcement Area	Section Of Act	30 CFR Part/Section 56.14207	
Written Notice 103G (Coal Only)			
Inspector's Evaluation			
Gravity			
Injury or Illness (has) (is)			
Reasonably			
Injury or illness could reasonably be expected to be			
LostDays			
Significant And Substantial Y			
No Of Persons Affected 1			
Negligence			
ModNegligence			
Type Of Action 104(a) Type Of Issuance Citation			
Initial Action			
Initial Action Type		Initial Action Date	
Initial Action Number Related Order			
Area Or Equipment			
Termination Due Date 08/18/2009			
Termination Due Time 1410			
Termination Action			
Action To Terminate			
THE WHEELS WERE CHOCKED AND THE HAZARDS EXPLAINED TO THE OPERATOR.			
Termination Date		(b) (6)	
Termination Time			
Automated System Data			
Type Of Inspection (Activity Code) E01			
Event Number (b) (6)			
Primary Or Mill Primary			
AR Number			

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Office of Accountability

District Rocky Mountain Field Office Green River, WY Mine ID# Date

ATTACHMENT B

Attachment C

Regular Inspection Information		U.S. Department of Labor Mine Safety and Health Administration										
Closeout Conference	Date	Event No.										
Attendees												
<div style="border-top: 1px solid black; margin-top: 10px;"> <p>Operator/Miners Representative/Inspector Comments</p> <p>Went over the citations issued on this inspection</p> <p>Citation [REDACTED] Gave Mr. Taylor his 10 day conference rights. Mr. Taylor voiced his concerns. He agreed that there were violations but did not understand why several of these conditions have been in place for several years and had other inspectors except them and now he is being cited for them.</p> <div style="text-align: center; margin-top: 50px;"> </div> </div>												
<table style="width: 100%; border: none;"> <tr> <td style="width: 35%;">Notified of possible special assessment?</td> <td style="width: 10%;">Yes <input type="checkbox"/></td> <td style="width: 55%;">N/A <input checked="" type="checkbox"/></td> </tr> <tr> <td>Notified of possible knowing/willful violation?</td> <td>Yes <input type="checkbox"/></td> <td>N/A <input checked="" type="checkbox"/></td> </tr> <tr> <td>Notified of right to safety & health conference?</td> <td>Yes <input checked="" type="checkbox"/></td> <td>N/A <input type="checkbox"/></td> </tr> </table>				Notified of possible special assessment?	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>	Notified of possible knowing/willful violation?	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>	Notified of right to safety & health conference?	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Notified of possible special assessment?	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>										
Notified of possible knowing/willful violation?	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>										
Notified of right to safety & health conference?	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>										
<small>MSHA Form 4000-49C, Aug. 93 (Revised)</small>												

8P.

Attachment C

United States Department of Labor
Mine Safety and Health Administration
Office of Accountability

District Rocky Mountain Field Office Green River, WY Mine ID

Selected Citations for Review of Gravity and Negligence Evaluations
(Shaded areas are questioned based on narrative and nature of violation)

Mine ID	Event	Citation	Issued	Type	30 CFR	S&S	Likel y	Injur y	Aff	Neg
				104(a) Cit	57.19109	N	UL	LD 2		Hin
Shaft inspection and repair work in vertical shafts shall be performed from substantial platforms equipped with bonnets or equivalent overhead protection. Two FMC management personnel were using a man basket that had no bonnet or overhead protection to bar down and clean #9 shaft. The shaft is 1708 feet deep and they were within 70 feet of the bottom.										

Mine ID	Event	Citation	Issued	Type	30 CFR	S&S	Likel y	Injur y	Aff	Neg
				104(a) Cit	57.15014	N	UL PD		1	Low
A miner in the rebuild shop was not wearing goggles or face shield while using a hand held grinder. The miner is put at risk for receiving an eye injury.										

Mine ID	Event	Citation	Issued	Type	30 CFR	S&S	Likel y	Injur y	Aff	Neg
				104(a) Cit	57.22305	N	UL	LD 5		Low
The longwall stage loader was not being maintained in permissible condition in that the cover on the left side of the electrical box had a .004 gap and all bolts on the outside left were finger tight. There is no CH ₄ in this area however, should a fire or explosion occur, it could result in injuries.										

Mine ID	Event	Citation	Issued	Type	30 CFR	S&S	Likel y	Injur y	Aff	Neg
				104(a) Cit	57.11012	N	UL LD		1 Mod	
There is an open hole in the floor of the bottom deck of the rail load out bag house. The hole is approx. 18 inches by 18 inches and is about 10 inches into walk way. If someone stepped into the hole the sharp edges of the grating could cause lacerations. Sprains, strains or possible fracture could also occur										

Mine ID	Event	Citation	Issued	Type	30 CFR	S&S	Likel y	Injur y	Aff	Neg
				104(a) Cit	57.22213	N	UL	PD 3		Mod
There was no measurable air across the Long-wall from the Head-gate entry to the Zero Room entry. The Anemometer that was used by MSHA would not turn nor would the Anemometer that the operator used. No movement was detected. If 9000 CFM would have been available the Davis Low Speed Anemometer that the company used would have turned. The area at the #11 shield was 120 square feet. The velocity would have needed to be 75 feet per minute. No methane was found at the time, the distance of the unventilated are was about 100 feet the remaining portion of the long-wall (650') was adequately ventilated.										

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(Shaded areas are questioned based on narrative and nature of violation)

Mine ID	Event	Citation	Issued	Type	30 CFR	S&S	Likely	Injury	Aff	Neg
				104(a) Cit	57.22305	N	UL	LD	1	Low

The Shuttle Car Company #41 was not being kept in permissible condition in that there were 3 bolts head found exposed on the cable reel. This could expose the cable to damage if it were to rub on the bolt heads. That could expose the miners to the hazards of an electrical shock or explosion if in the correct mixture of CH4/O2 and the splice were to fail and arc.

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District Rocky Mountain Field Office Green River, WY Mine ID [REDACTED] Date [REDACTED]

Selected Citations for Review of Gravity and Negligence Evaluations
(Shaded areas are questioned based on narrative and nature of violation)

Mine ID	Event	Citation	Issued	Type	30 CFR	S&S	Likely	Injury	Aff	Neg
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	104(a) Cit	57.14112(a)(1)	N	UL	LD 1		Mod
During inspection of the South, Redi Projects Services contractor's lunch trailer, a heater was found with the fan not guarded securely. There was a guard on the heater, but it was not secured in place, hanging to the side and left the fan unprotected. This could expose the miner who use this lunch trailer to the hazards of coming in contact with moving machine parts. The heater was mounted on the wall approximately 5' from floor level making it unlikely that inadvertent contact could occur.										

Mine ID	Event	Citation	Issued	Type	30 CFR	S&S	Likely	Injury	Aff	Neg
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	104(a) Cit	57.22305	N	UL	LD 1		Low
The Joy Continuous Miner company # CM04 was not being kept in permissible condition in that the Control Switch Panel cover had a gap that was .005 inch. This could expose the miners to the hazards of a CH ₄ /O ₂ explosion if the concentrations were within the limits and there was an ignition. The CH ₄ level at the time of the inspection was .000 percent making it unlikely that an ignition could occur.										

Mine ID	Event	Citation	Issued	Type	30 CFR	S&S	Likely	Injury	Aff	Neg
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	104(a) Cit	57.12032	N	UL LD		1	Mod
There was a cover plate missing from the front of the control panel for the HO3 Boiler with exposed live 120 volt conductors approximately 2 inches past the opening. There was also access to the back of the panel from either side and the conductors could be reached from this area. This could expose employees whom enter this area to the hazards of coming in contact with live electrical conductors.										

Mine ID	Event	Citation	Issued	Type	30 CFR	S&S	Likely	Injury	Aff	Neg
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	104(a) Cit	57.11012	N	UL LD		1	Low
Openings through which persons may fall shall be protected. On the East side of the 2 main south drive there is an opening approx. 2ft X 3ft. that miners could fall through to the sump below. The sump is approx. 8ft. Below with approx. 9 inch of water in the sump. This is a remote area and not accessed routinely. Should a miner fall into this opening it could result in serious injuries.										

Mine ID	Event	Citation	Issued	Type	30 CFR	S&S	Likely	Injury	Aff	Neg
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	104(a) Cit	57.12005	N	UL	LD 1		Mod
The trailing cable to shuttle car #14 had been driven on by mobile equipment. There was approximately 100 feet of the cable (located in the B2 room) that was pressed down in the mud with tire tracks on it. There was no visible damage to the cable making it unlikely that an injury would occur. Should this practice continue, the cable could become damaged and expose the miners to electrical hazards.										

Mine ID	Event	Citation	Issued	Type	30 CFR	S&S	Likely	Injury	Aff	Neg
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	104(a) Cit	57.14100(b)	N	UL	LD 4		Low
The neutral start switch on the #43 man trip was not working properly, in that the starter was able to be engaged with the clutch disengaged. Should someone accidentally bump the starter with the vehicle in gear, this could expose the miners to the hazard of being struck by the vehicle. The man trip was parked at the SB 30 lunch room at the time of inspection, with 4 miners in the area. The vehicle was chocked and ribbed when inspected, making it unlikely that an injury would result.										

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Selected Citations for Review of Gravity and Negligence Evaluations

(Shaded areas are questioned based on narrative and nature of violation)

Mine ID	Event	Citation	Issued	Type	30 CFR	S&S	Likely	Injury	Aff	Neg
				104(a) Cit	57.11012	N	UL LD		1	Low
IN SHIPPING AT THE BG 204 BAGGER THE ACCESS LADDER DID NOT HAVE A SAFETY CHAIN AT THE TOP. THIS AREA IS ACCESSED TO CHANGE HOPPER VALVES AND OCCASIONAL MAINTENANCE. THE SAFETY CHAIN IS REQUIRED TO PREVENT A MINER WORKING ON THE PLATFORM FALLING THE 80 INCHES TO THE FLOOR.										

Mine ID	Event	Citation	Issued	Type	30 CFR	S&S	Likely	Injury	Aff	Neg
				104(a) Cit	57.22213	N	UL	PD	3	Mod
The mine operator failed to maintain 9000 cubic feet of air in the last open crosscut in the 11 east, 8 south, working section. Also know as the 7 Bore Miner section. Mining was in process in the stub to the right of the number three entry at 29 crosscut. The air was measured in the entry between the last open crosscut, number 29, and the next to the last open crosscut, number 28. There was no measurable air detected with a pocket anemometer. The area of the entry/opening was established at 115 square feet by the mine operator. The minimum velocity required to have the required 9000 cfm of air in the entry/opening would be 78 feet per minute. The anemometer would have function if that velocity was present. An EIMCO scoop was also in operation between the face and the number 28 crosscut in the number three entry. Ch4 was measured at 0.5%. O2 was measured at 20.9%. Co was measured at 0 ppm. NO2 was measured at 0 ppm.										

Mine ID	(b)									
				104(a) Cit	57.6100(a)	N	UL		1	Mod
Detonators shall not be stored in the same magazine with other explosive material. Upon inspection of the powder magazine one Seismic-Detonator was found. This is an electric detonator, it was located 5 1/2 feet from any powder and the factory seal is in tack on the leads making it unlikely it would detonate. Should there be an explosion in this magazine with miners present it could result in a fatality.										

Mine ID	Event	Citation	Issued	Type	30 CFR	S&S	Likely	Injury	Aff	Neg
				104(a) Cit	57.12025	N	UL	LD 1		Low
All metal enclosing or encasing electrical circuits shall be grounded. The portable light located at the Meta/Sulfite bagging machine is not grounded in that the power supply cord does not have the grounding prong on it. Miners using this light could be exposed to electrical hazards. This light is used during maint. And not used routinely.										

Mine ID	Event	Citation	Issued	Type	30 CFR	S&S	Likely	Injury	Aff	Neg
				104(a) Cit	57.11002	N	UL LD		1	Low
AT THE BC 19C BELT LINE THERE ARE 4 STANDS WITH OUT A SAFETY CHAIN TO PREVENT A OPERATOR FROM FALLING. THE STANDS ARE 50 INCHES HIGH, AND THE PLATFORM IS 35 INCHES DEEP BY 30 INCHES WIDE. THE STANDS ARE USED BY OPERATORS ON AN INTERMITTENT BASIS WHEN THE CHUTES ARE PLUGGED OR THE MAGNETS REQUIRE WORK. THE OPERATORS SAID THEY WORE A SAFETY HARNESS WHEN THEY WORKED ON THE STAND BUT WERE UNABLE TO PRODUCE A SAFETY HARNESS WITHIN A REASONABLE TIME FRAME..										

Mine ID	Event	Citation	Issued	Type	30 CFR	S&S	Likely	Injury	Aff	Neg
				104(a) Cit	57.4100(b)	N	UL LD		1	Mod
No person shall smoke where flammable liquids are stored or handled. G T Nix has three diesel storage tanks located in the Decca recovery area. A cigarette butt was found next to the clear diesel tank indicating that someone has been smoking in this area. Should this result in a fire miners could be exposed to possible burn or smoke hazards. This is a diesel tank and unlikely it would result in a fire.										

District Field Office Mine ID Date

Guarding not provided on head roller - plant has been permitted to operate over multiple years without guarding, per operator's statement.



District Field Office Mine ID Date

Berms not provided on roadway that has been utilized for multiple yrs as stated by the operator.



Propane tank not labeled or signage - condition permitted to exist for 2 yrs per mine operators' statement.

